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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,335	03/29/2004	Dermot P. McCartan	2003P14532US	2701
7590	03/22/2006		EXAMINER	
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830				NOLAND, THOMAS
		ART UNIT		PAPER NUMBER
		2856		

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,335	MCCARTAN ET AL.	
	Examiner Thomas P. Noland	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 - 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) Claim(s) 9-11 and 23 is/are allowed.
- 6) Claim(s) 1-3 and 6-8 is/are rejected.
- 7) Claim(s) 4,5 and 22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2856

1. The amendment filed March 29, 2004 which renumbered claim 17, 2nd occurrence, - claim 22 as claims 18-23 so as to comply with 37 CFR 1.126 has been entered.
2. Applicant's election without traverse of the invention of group 1, claims 1-11 and 22-23 in the reply filed on Jan. 5, 2006 is acknowledged.
3. The restriction requirement is made final.
4. Claims 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Jan. 5, 2006.
5. Applicant is requested to cancel claims 12-21 in any response hereto.
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chalfant US 3,631,450.

Note abstract, Figs. 1-2 and col. 3, lines 15-45. The intended use for calibration is given little weight since claimed only as such in the preamble. In any event the variable resistance 50 would inherently allow for adjustment or calibration. From col. 2, lines 1-2 and lines 55-68 it is inferred that since increasing the frequency of audible sounds frequencies in the ultrasonic range occur and the line connecting the elements could be considered an ultrasound transmit path. In any event it appears capable of such a transmission and is thus so considerable.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris, Jr. US 4,972,379.

Note abstract and Fig. 1. Although disclosed as being a sonar transducer typically this term does not exclude ultrasonic transducers in this environment. In any event since such a signal could be transmitted therein the path could be considered an ultrasound path. Diode rectifier 39 would inherently act as a clipping diode. At least one of elements 43, 44 or 47 is inferred to include a voltage source in order to operate.

9. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(a and e) as being anticipated by Lyon et al US 2004/0004905.

Note abstract, Fig. 1 and paragraph 20. From the use of transformer 30 it is inferred there is a voltage source as claimed. The switches can be selected to be the first switch and connect the elements as claimed.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show transducer calibration systems.

11. Claims 4-5 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 9-11 and 23 have been allowed.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

Thomas P. Noland
Primary Examiner
Art Unit 2856

March 14, 2006

